

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH H. SIMMONS,

Plaintiff,

-against-

CHEMPRENE, INC.,

Defendant.

COMPLAINT

**07 Civ
ECF CASE**

**'07 CIV 10447
BRIANT**

FILED
U.S. DISTRICT COURT
2007 NOV 19 P 5:26
S.D. OF N.Y.

PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, Cahill, Goetsch & Maurer, P.C., complains of the Defendant CHEMPRENE, INC. and alleges:

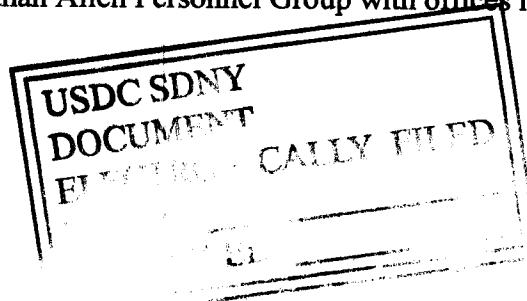
STATEMENT OF FACTS

FIRST: At all times relevant, plaintiff has resided in Dutchess County at 71 Rombout Avenue, Beacon, New York 12508.

SECOND: At all times relevant, Defendant Chemprene, Inc. (hereinafter "Chemprene") was a licensed foreign corporation incorporated in the state of Delaware with its principal place of business located in Dutchess County at 483 Fishkill Avenue, Beacon, New York, 12508.

THIRD: At all times relevant, Chemprene owned, operated and controlled a manufacturing plant located at 483 Fishkill Avenue, Beacon, New York, 12508.

FOURTH: At all times relevant, plaintiff was employed by Ethan Allen Staffing, the Temporary Staffing Division of the Ethan Allen Personnel Group with offices located at 21 Old Main Street, Fishkill, NY 12524.



FIFTH: On March 5, 2007, plaintiff was working in the course of his employment with Ethan Allen Staffing as a temporary employee at defendant Chemprene's plant at 483 Fishkill Avenue, Beacon, New York, 12508.

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT CHEMPRENE, INC.**

SIXTH: Plaintiff repeats and reiterates each and every allegation contained in paragraphs FIRST through FIFTH of this Complaint with the same force and effect as if fully set forth at length herein.

SEVENTH: The Court has diversity jurisdiction over this cause of action pursuant to 28 USC §1332.

EIGHTH: On March 5, 2007, while plaintiff was working in the course of his employment with Ethan Allen Staffing as a temporary employee at defendant Chemprene's plant at 483 Fishkill Avenue, Beacon, New York, 12508, he was working near a machine that manufactured conveyer belt material which, upon information and belief, is known as a calendar machine and his body got caught in the machine.

NINTH: The aforementioned accident was caused solely due to the negligence of defendant Chemprene in: failing to provide the calendar machine plaintiff was working near at the time of his injury with necessary guarding of nip points as required by 29 CFR 1910.212 and New York State Labor Law § 23-1.12 and Industrial Code Part (Rule No. 19); in failing to provide proper supervision; and, in failing to provide proper training.

TENTH: That as a result of the negligence of the defendant as aforescribed, plaintiff was caused to sustain severe, disabling and permanent injuries in the form of: a traumatic brain injury causing cognitive deficits; left shoulder and neck injury with C6

radiculopathy; carpal tunnel syndrome; ulnar neuropathy with entrapment at the elbow; and, has otherwise sustained severe and permanently disabling injuries, depression, mental anguish and pain.

ELEVENTH: As a result of the aforementioned acts of negligence on the part of defendant, plaintiff has been compelled to incur or become liable for great expense for medical treatment and medicines and will be compelled to incur further expenses in the future for these purposes and has sustained and will sustain economic loss due to his inability to work.

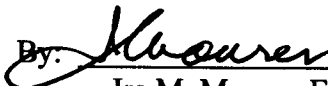
TWELFTH: That due to Chemprene's negligence, Plaintiff was caused to suffer damages estimated to be in the sum of TEN MILLION (\$10,000,000.00) DOLLARS.

WHEREFORE, plaintiff demands judgment against CHEMPRENE on the First Cause of Action in the sum of TEN MILLION (\$10,000,000.00) DOLLARS; together with costs, pre-judgment and post-judgment interest and the disbursements for all causes of action.

Dated: Croton-on-Hudson, New York

November 16, 2007

CAHILL, GOETSCH & MAURER, P.C.
Attorneys for Plaintiff

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